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The Individuals with Disabilities Education Act: DDD Position on Reauthorization

The next reauthorization of the Individuals with Disabilities Education Act (IDEA) is about to begin. Historically, each reauthorization of this law has generated considerable controversy. Already there are indicators that this round of reauthorization will be contentious. The activities of the White House Commission on Special Education and the publication, Rethinking Special Education for a New Century (Finn, et al., 2001) suggest that several major changes in the law may be up for discussion. The Division on Developmental Disabilities (DDD) of the Council for Exceptional Children (CEC) believes Congress should focus on ways to enhance IDEA by building on its previous successes and be willing to revise areas that are creating barriers to providing appropriate supports and services.

In past reauthorizations, despite heated debate, IDEA has always been changed in ways that the majority of professionals and parents have been able to support. It is important that consensus building and collaboration drive the current reauthorization as well. Without a doubt, Public Law 94-142, and the version we now call IDEA, has had an extremely positive impact on children with disabilities and their families. Funding for special education services, recognition of students with learning disabilities, training for special education professionals, early childhood intervention, and the inclusion of parents as partners in the education of their children with disabilities have all been positive outcomes from this legislation.

One of the most important things to come out of this legislation has been the inclusion of students with disabilities with students who do not have disabilities, as much as is appropriate. The Division on Developmental Disabilities (DDD) of CEC strongly supports responsible inclusion, meaning that the needs of each child must be the primary consideration before making any placement decision. The concept of inclusion that has come out of IDEA, requiring that schools always consider students with disabilities as equal participants in school activities, is a major accomplishment of this law.

On the balance, IDEA has been a resounding success. Without a doubt, there is much more good about this law than bad (e.g., FAPE, LRE, due process, early childhood and early intervention services). However, as Congress begins to look at this legislation for a major reauthorization, it is time for all advocates of children with disabilities to encourage a thorough review of IDEA. The major tenets of IDEA should be maintained; however, there are several issues that Congress should consider in the next reauthorization. Here are six recommendations:

- Provide full federal funding to IDEA;
- Place greater emphasis on student outcomes and less emphasis on complying with regulatory procedures and completing paperwork;
- Expand the influence of professional judgment and team problem solving when making eligibility decisions and reduce the influence of summative scores from norm referenced assessments;
- Increase funding for teacher preparation and professional development;
- Expand early intervention services;
- Increase access to instructional and assistive technology.

Provide full federal funding to IDEA. Congress enacted IDEA to assist states in carrying out their responsibility to provide a free and appropriate education to all children with disabilities, regardless of the severity of disability. Part B of IDEA authorizes the federal government to cover 40% of the costs of special education. Unfortunately, the federal government has covered only 11% to 15% of this cost each year. It is time for the federal government to pay its full share of the cost of special education. Full funding is absolutely essential to assuring that children with disabilities receive quality services and supports.

Place greater emphasis on student outcomes and less emphasis on complying with regulatory procedures and completing paperwork. Currently, IDEA places so much focus on compliance with regulations, many school personnel become consumed with “paper compliance” at the expense of the needs of students. Federal and state monitoring teams reinforce these behaviors by reviewing paperwork rather than the successful outcomes of students. The level of administrative paperwork required for special education today is absurd. Less emphasis on “paper compliance” will free school personnel to implement problem-solving activities that result in improved outcomes for children.

Expand the influence of professional judgment and team problem solving when making eligibility decisions and reduce the influence of summative scores from norm referenced assessments. Unfortunately, strict adherence to specific norm-referenced test criteria for eligibility for special education results in the exclusion of many children in need of special education services and the misdiagnosis of many others. In school districts throughout the nation, children are excluded from services simply because their IQ scores are too high or the discrepancy between achievement and ability is too low. In other cases, children are misdiagnosed with disabilities because norm-referenced test scores are not interpreted in light of the child’s cultural background. Results from norm-referenced tests should advise, but should not dictate, eligibility decisions. Those involved in making eligibility decisions should be able to use professional judgment to override norm-referenced test scores if a student would benefit from special education services or if a student is not in need of services. This may help reduce the over-representation of minority students and prevent the exclusion of students who need special education services but do not meet specific eligibility criteria dictated by test scores.

Increase funding for teacher preparation and professional development. The shortage of qualified professionals to provide services to children with disabilities is real and growing. There is a significant gap between the number of teachers needed and the number of teachers available. In order to rectify this discrepancy, Congress needs to allocate funds to train special education personnel. Unfortunately, the personnel preparation component of the IDEA budget has not increased over the years. University training programs need financial incentives for students to entice them into the profession. Because the competencies that are required for special education teacher certification have never been more demanding, an era of great irony has emerged where it is very challenging to earn a special education teaching certificate, but it is quite easy to land a job as a special educator under emergency or provisional certification. The new IDEA must address the growing problem of addressing the special education shortage by staffing positions with unqualified and unprepared personnel.

Expand early intervention services. Preventing disabilities is a priority of special education. Providing early intervention services to “at risk” infants and toddlers, and serving pre-school children in special education programs, are two important programs that must be continued and even expanded. School personnel must have the means to implement these preventive intervention programs.

Increase access to instructional and assistive technology. Technology offers a great deal of promise for improving the learning opportunities and life experiences of individuals with disabilities. Indeed, certain technologies have already significantly improved the quality of life for many individuals with developmental disabilities. However, while the promise is great, there still remains a major gap between advances of technology and the implementation of technological developments. Congress needs to continue to emphasize technology and appropriately fund efforts to expand the application of technology in special education.

It is the position of the Board of Directors of DDD that Congress must take a hard look at IDEA during this reauthorization process. Congress should not reduce the protections of students and their families, nor should they reduce the wonderful support network and programs that have been established as a direct result of IDEA. Congress should fund the IDEA at the full federal level (40%). Additionally, Congress should modify the law to enable professionals to use judgment in assessing and serving children with disabilities, and to focus more on student outcomes than compliance. Moreover, Congress should proactively address the special education teacher shortage and expand efforts in areas related to early childhood special education as well as special education technology. Let’s keep what is good about the IDEA, but let’s definitely have the courage to change that which does not truly meet the needs of students with disabilities and their families.

Finn, C.E., Rotherham, A.J., & Hokanson, C.R. (2001). *Rethinking special education for a new century*. Washington, DC: Thomas B. Fordham Foundation and the Progressive Policy Institute.

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